



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,413	01/02/2001	David Benedict Bradshaw	MS1-622US	1884

22971 7590 09/08/2006

MICROSOFT CORPORATION
ATTN: PATENT GROUP DOCKETING DEPARTMENT
ONE MICROSOFT WAY
REDMOND, WA 98052-6399

EXAMINER

DESIRE, GREGORY M

ART UNIT	PAPER NUMBER
----------	--------------

2624

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/753,413		BRADSHAW, DAVID BENEDICT	
	Examiner		Art Unit	
	Gregory M. Desire		2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-22 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2 and 5-22 is/are allowed.
- 6) ☒ Claim(s) 25-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is responsive to communication filed 6/22/06.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 25- 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniell et al (6,678,421) in view of Yang et al (1999 IEEE, A Semantic classification and composite indexing approach to robust image retrieval) and further view of Imade et al (5,872,864).

Regarding method claim 28 Daniell discloses,

Forming a plurality of layers from an image, each layer comprises a plurality of blocks of the image (note col. 5 lines 41-45 and 63-67, col. 6 lines 1-6, decomposing original image into multiple levels blocks), each block in a layer comprising a non-identical region of the image than the other blocks in the layer (see fig. 2 and col. 6 lines 1-6, in multilevel decomposition, smaller block is a smaller part of the larger block, thus blocks are non-identical);

Determining a class likelihood for a block from each layer of the image (as described in specification page 28 lines 18-19, examiner interprets determining posterior estimates of class likelihood of hierarchical layered blocks as using Bayes rule

based on multilevel sub bands (note col. 7 lines 7-28), the estimated being bases upon class likelihoods of the hierarchical layered blocks in the group (note col. 7 lines 7-28, Bayes rules is based upon the probability of significant and insignificants of the level sub bands), such likelihood being condition on data extracted from hierarchical layered blocks in the group (note col. 3 lines 3-9, col. 6 lines 5-28 and col. 7 lines 1-20, probability being condition on predicted coefficients from sub band levels).

Classifying a portion of the image based upon the combination of the determined class likelihoods (note fig. 7 choose class z and col. 6 lines 7-27, 56-65 col. 7 lines 49-65, classifying high frequency signal using Bayes rules of low frequency information (sub band levels)).

Although Daniell discloses coefficient prediction scheme of sub bands based on content of the input, which is the source of the information. Daniell does not clearly disclose semantically classifying a portion of the image. Yang et al discloses semantically classifying an image (note page 136, col. 1 lines 1-4, images similar semantic meanings wide variety of low-level features). Daniell and Wang are combinable because they disclose classifiers. At the time of the invention, it would have been obvious to a person of ordinary skills in the art to semantically classify a portion of an image in the system of Daniell as evidenced by Yang et al. The suggestion/motivation for doing so would have been improving image classification and bridging the gap between low-level features and high-level semantic meanings (note page 134, col. 2 lines 3-6). Therefore, it would have been obvious to combine Daniell with Yang to obtain the invention as specified in claim 28.

Daniell and Wang are silent disclosing dividing an image. Imade divides and image (note fig. 13b). Daniell, Wang and Imade are combinable because they are from the same field of endeavor. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include dividing an image in the system of Daniell and Wang as evidenced by Imade. The suggestion for doing so would have been to distinguish between areas having character data, graphic pattern and photographic areas (note col. 4 lines 30-45). Therefore, it would have been obvious to combine Daniell and Wang with Imade to obtain the invention as specified in the above claims.

Regarding claims 26 Daniell discloses,

Wherein the first and second blocks are centered on a common point in the image (note Daniell col. 7 lines 7-14).

Regarding claims 27 Daniell discloses,

Wherein the first and second blocks are not centered on a common point in the image (note Daniell col. 7 lines 18-28).

Allowable Subject Matter

4. Claims 1-2 and 5-22 are allowed.
5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (571) 272-7449. The examiner can normally be reached on M-F (6:30-3:00).

Art Unit: 2624

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory M. Desire
Examiner
Art Unit 2624



G.D.

September 5, 2006